

against any person claiming an estate or interest therein adverse to him, for the purpose of determining such adverse claim and the rights of the parties respectively.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXIX.

AN ACT TO AMEND CHAPTER NINETY OF THE GENERAL STATUTES OF THIS STATE ENTITLED LIENS.

Be it enacted by the Legislature of the State of Minnesota:

Party performing labor or furnishing materials shall have lien.

SECTION 1. Section one of chapter ninety of the general statutes of this state is hereby amended by adding at the end thereof the following provisions: Whoever furnishes any labor, skill or material for constructing, altering or repairing any line of railway, or for constructing, altering or repairing any bridge, telegraph, depot, fences or other structure appertaining to any line of railway, by virtue of any contract with the owner, or with any party authorized by the owner of such line of railway, or by virtue of any subcontract with any original contractor with such owner, or with such authorized party, shall have a lien to secure the payment for such labor, skill and material upon all such line of railway, and upon all franchises, privileges and immunities, and upon all bridges, depots, telegraphs, fences and other structures, and upon all right of way appertaining to such line of railway.

SEC. 2. Section seven of said chapter is hereby amended so as to read as follows:

Account to be recorded in office of register of deeds.

Sec. 7. Any person, copartnership or corporation, entitled to a lien under the provisions of section one aforesaid, shall make an account in writing of the item or items of labor, skill, materials or machinery furnished, and, after oath being made to the correctness thereof by the party furnishing the same, or by the agent of such party, shall, within one year from the time of the furnishing of such labor, skill, materials or machinery, file the same in

the office of the register of deeds of the county in which such labor, skill, materials or machinery shall have been furnished in case the same shall have been furnished for the construction, alteration or repair of any line of railway, or of any bridge, depot, fences or other structure appertaining to such line of railway in the office of the secretary of state; which account so made, verified and filed, shall be recorded at length in such office, in the records thereof. Such account, so verified and filed, shall, during all the period of time from the commencement of such labor or skilled services, or the furnishing of such materials and machinery, until the expiration of two years after the completion of such skilled services or labor, or the furnishing of such materials or machinery, operate as a lien upon the several descriptions of structures and buildings, and upon the lots of ground on which they stand, in the first section of this chapter referred to, and upon such line of railway, and upon all franchises, privileges and immunities, and upon all bridges, depots, telegraphs, fences and other structures, and upon all right of way appertaining to such line of railway. When any labor has been done or materials furnished as provided, upon a written contract or subcontract, a copy of the same shall be filed with the account hereinafter [before] referred to.

Lien, how long shall continue.

SEC. 3. Section ten of said chapter is hereby amended by adding at the end thereof the following provisions: When judgment is obtained establishing any lien given by the provisions of this chapter upon any line of railway, such line of railway, together with all franchises, privileges, immunities, bridges, depots, telegraphs, fences and other structures, and all right of way, appertaining to such line, may be sold upon execution, to satisfy such judgment, and the purchaser thereof at any such sale shall have and hold all and singular the same in the same manner and with the same effect as the same were had and held by the judgment debtor. Such sale or [on] execution shall be conducted in like manner and be upon like notice, and be subject to like redemption as sales of real property upon execution, except that the notice of sale required by law to be published in a newspaper, shall be published in some newspaper published at the capital of this state.

Lien, how satisfied.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1874.